



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

MAY - 3 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7003 2260 0001 7779 1916

Converse County Commissioners
c/o Frank Falhorne, Jr., Chair
107 N. 5th Street #114
Douglas, WY 82633

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Wagonhound Ranch, PWS ID#5601503

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Wagonhound Ranch, Douglas, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. Wagonhound Ranch is in violation of 40 C.F.R. §§ 141.24(f), 141.21(b), 141.21(a)(2), 141.26(a)(1), 141.21(a)(1), 141.201, 141.21(g)(2) and 141.31(b) for failing to: monitor for volatile organic contaminants, total coliform and radionuclides; submit a sample siting plan; provide public notice of the violations; and to report SDWA violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



Printed on Recycled Paper



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

Ref: 8ENF-W

MAY - 3 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7003 2260 0001 7779 1923

John Edward Pollock, Registered Agent
Wagonhound Ranch
94 Fairway Drive
Douglas, WY 82633

Peter Leath, Operator
Wagonhound Ranch Man Camp
24 Huxtable Road
Douglas, WY 82633

Re: Administrative Order
Docket No. SDWA-08-2005-0018
PWS ID #5601503

Dear Messrs. Pollack and Leath:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Wagonhound Ranch and Peter Leath ("the Ranch") are suppliers of water as defined by the SDWA and that the Ranch has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.24(f), 141.21(b), 141.21(a)(2), 141.26(a)(1), 141.21(a)(1), 141.201, 141.21(g)(2) and 141.31(b) for: failing to monitor for volatile organic contaminants, total coliform, and radionuclides; failure to submit a sample siting plan; failure to provide public notice of the violations; and for failure to report SDWA violations to EPA. The Ranch must also begin monitoring for synthetic organic contaminants (SOCs) for four quarters. This requirement is not in the Order as the Ranch was not adequately notified of it previously. The Ranch has returned to compliance with the radionuclide violations.

If the Ranch complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering the Ranch to comply.



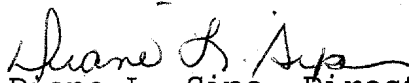
Printed on Recycled Paper

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA. A brochure entitled "Funding Options for Privately-Owned Public Water Systems in Wyoming" is also enclosed as well as a public notice template.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have in informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Michelle Marcu, Enforcement attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
SBREFA
Funding Brochure
public notice template

cc: WY DEQ (via email)
WY DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2005 MAY -3 PM 2:24

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Wagonhound Ranch)
Douglas, Wyoming)
)
Peter Leath, Operator)
Wagonhound Ranch Man Camp)
Douglas, Wyoming)
)
Respondents)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
)

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2005-0018**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Wagonhound Ranch (Respondent) is a corporation under the laws of the State of Wyoming as of February 5, 1962 and Peter Leath (Respondent) is an individual and are both therefore "persons" within the meaning of 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, the Wagonhound Ranch Man Camp Water System (the "System"), located in

Converse County, Wyoming for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondents own and/or operate a public water system and are therefore "suppliers of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 26, 2003 sanitary survey by an agent for EPA, Respondents operate a system that is supplied by a groundwater source consisting of two wells (one of which is a back-up) with no treatment. The System was identified as a public water system in April 2002 and serves approximately 30 persons through 13 service connections and is operational all year.

located in Converse County, Wyoming for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondents own and/or operate a public water system and are therefore "suppliers of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 26, 2003 sanitary survey by an agent for EPA, Respondents operate a system that is supplied by a groundwater source consisting of two wells (one of which is a back-up) with no treatment. The System was identified as a public water system in April 2002 and serves approximately 30 persons through 13 service connections and is operational all year.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.24(f) requires all community and non-transient, non-community water systems to conduct initial sampling of the water consisting of four consecutive, quarterly samples during each three-year compliance period to determine compliance with the maximum contaminant level (MCL) for volatile organic contaminants as stated in 40 C.F.R. § 141.61.
2. Respondents monitored for volatile organic contaminants November 2002, September 2003 and February 2005 but failed to monitor the 2nd (April-June) and 3rd (July-September) quarters of 2002; the 1st (January-March), 2nd (April-June), and 4th (October-December) quarters of 2003, and all quarters in 2004, in violation of 40 C.F.R. § 141.24(f).

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondents failed to collect a set of four repeat samples after a total coliform positive routine sample in September 2003, in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.21(a)(2) requires non-community public water systems serving a population of less than 1,001 to monitor their water at least once per month to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondents failed to monitor the water for contamination by total coliform bacteria during the month of September 2002, in violation of 40 C.F.R. § 141.21(a)(2).

IV.

1. 40 C.F.R. § 141.26(a)(1) requires community water systems to conduct initial monitoring of the water consisting of four consecutive, quarterly samples to determine compliance with the MCL for radionuclides, as stated in 40 C.F.R. § 141.15 (40 C.F.R. § 141.66 after December 2003).
2. Respondents failed to monitor the water for radionuclides for four consecutive quarters for the 2nd (April-June) quarter 2002 through the 1st (January-March) quarter of 2003, in violation of 40 C.F.R. § 141.26(a)(1). The System has since monitored for four consecutive quarters and returned to compliance.

V.

1. 40 C.F.R. § 141.21(a)(1) requires public water systems to collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan.
2. Respondents have failed to submit a total coliform sample siting plan, in violation of 40 C.F.R. § 141.21(a)(1).

VI.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulations (NPDWR) violations, including violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 part 141.
2. Respondents have not provided public notice of the noncompliance detailed in the preceding Sections I through V, in violation of 40 C.F.R. § 141.201.

VII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.

2. Respondents failed to report to EPA the noncompliance detailed in Sections II and III, in violation of 40 C.F.R. § 141.21(g)(2).

VIII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
2. Respondents failed to report to EPA the noncompliance detailed in Sections I, IV and VI, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. No later than June 30, 2005, and for two additional quarters after (July-September 2005 and October-December 2005), and per the regulation thereafter, Respondents shall monitor the water for volatile organic contaminants as required by 40 C.F.R. § 141.24(f) to determine compliance with the MCL for volatile organic contaminants appearing at 40 C.F.R. § 141.61(a). Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

2. Upon the effective date of this Order, Respondents shall comply with all total coliform repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondents take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondents shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
3. Upon the effective date of this Order, Respondents shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring. Respondents shall report analytical

results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

4. During the period January 1, 2008-December 31, 2008, and per the regulation thereafter, Respondents shall monitor the water for radionuclides as required by 40 C.F.R. § 141.26(a) to determine compliance with the radionuclide MCL appearing at 40 C.F.R. § 141.66. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
5. Within 30 days of the effective date of this Order, Respondents shall provide EPA with a written sample siting plan for total coliform monitoring, as required by 40 C.F.R. § 141.21(a).
6. Within 30 days of the effective date of this Order, Respondents shall provide a notice to the public of the violations specified under the Findings of Violation in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach

other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the internet; or delivery to community organizations. The System must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. Respondents may use the CCR to provide public notice as long as (1) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation; (2) The public notice contained in the CCR follows the content requirements under 40 C.F.R. § 141.205; AND (3) The CCR is distributed following the delivery requirements under 40 C.F.R. § 141.204(c). Upon the effective date of this Order, Respondents shall comply with the public notice requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondents shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

7. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
8. Except where a different reporting period is specified in paragraph 7 above, upon the effective date of this Order Respondents shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
9. Reporting requirements specified in this Order shall be provided by certified mail to:

U.S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, CO 80202-2466

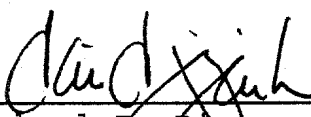
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondents to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42

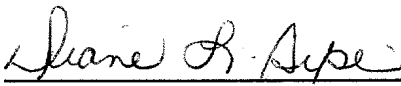
U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 3rd day of May, 2005.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for WAGONHOUND RANCH MAN CAMP

Our water system violated several drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2002, 2003 and 2004 we did not complete all monitoring or testing for volatile organic contaminants, radionuclides and bacteriological quality, therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for during the last year, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
radionuclides	4 consecutive quarters	0	2 nd quarter 2002 thru 1 st quarter 2003	2003-2004 completed
volatile organic contaminants	4 consecutive quarterly	3 total non consecutive	2 nd quarter 2002 thru 1 st quarter 2003	currently completing
bacteriological quality	monthly	0	September 2002	October 2002
bacteriological quality repeat	4 samples after a TC+ sample	0	September 2003	will take 4 repeats after any future TC+ samples

What happened? What is being done?

Describe corrective action: Will complete VOC sampling and all other future sampling as required.

For more information, please contact Pete Leath at 307/351-3954.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Note: send copy to EPA after public notice is complete with the date distributed by mail or hand delivery AND posted with your signature.



FUNDING OPTIONS
FOR
PRIVATELY-OWNED
PUBLIC WATER
SYSTEMS IN
WYOMING





U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman